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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DURRELL MELCHOR,

Defendant.

ROLLA GENE MANNING, III,

Petitioner.

2:20-CR-142-GMN-EJY

**Stipulation for Entry of Order of
Forfeiture as to Rolla Gene Manning,
III, and Order**

The United States of America and Rolla Gene Manning, III, agree as follows:

1. The grand jury returned a Five-Count Criminal Indictment against Durrell Melchor for violations of 18 U.S.C. § 922(a)(1)(A), 18 U.S.C. § 922(g)(1), and 21 U.S.C. §§ 841(a)(1) and 846. Criminal Indictment, ECF No. 1.

2. Durrell Melchor pled guilty to Counts One through Four of the Five-Count Criminal Indictment charging him in Count One with dealing in firearms without a license in violation of 18 U.S.C. § 922(a)(1)(A); in Counts Two and Three with felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1); and in Count Four with conspiracy to distribute a controlled substance in violation of 21 U.S.C. §§ 841(a)(1) and 846, and agreed to the forfeiture of property set forth in the Plea Agreement and the Forfeiture Allegations of the Criminal Indictment. Criminal Indictment, ECF No. 1; Change of Plea, ECF No. 65; Plea Agreement, ECF No. 66.

1 3. Rolla Gene Manning, III, had reported the property stolen in 2020, and the
2 United States became aware of the stolen-property report made by Rolla Gene Manning,
3 III.

4 4. Rolla Gene Manning, III, affirms that the property was stolen, that he was the
5 owner of the property at the time of its theft, and that he has not been compensated for its
6 value by any insurer or third party.

7 5. Rolla Gene Manning, III, knowingly and voluntarily agrees to the civil
8 administrative forfeiture, the civil judicial forfeiture, or the criminal forfeiture of the
9 following property: a Ruger model LC9 9mm semi-automatic pistol bearing serial number
10 325-80311 (property).

11 6. Rolla Gene Manning, III, knowingly and voluntarily agrees to forfeit the
12 property to the United States.

13 7. Rolla Gene Manning, III, knowingly and voluntarily agrees to relinquish all
14 possessory rights, ownership rights, and all rights, titles, and interests in the property.

15 8. Rolla Gene Manning, III, knowingly and voluntarily agrees to waive his right
16 to any civil administrative forfeiture proceedings, any civil judicial forfeiture proceedings, or
17 any criminal forfeiture proceedings (all of which constitutes proceedings) of the property.

18 9. Rolla Gene Manning, III, knowingly and voluntarily agrees to waive service
19 of process of any and all documents filed in this action or any proceedings concerning the
20 property.

21 10. Rolla Gene Manning, III, knowingly and voluntarily agrees to waive any
22 further notice to him, his agents, or his attorneys regarding the forfeiture and disposition of
23 the property.

24 11. Rolla Gene Manning, III, knowingly and voluntarily agrees not to file any
25 claim, answer, petition, or other documents in any proceedings concerning the property.

26 12. Rolla Gene Manning, III, knowingly and voluntarily agrees to withdraw any
27 claims, answers, counterclaims, petitions, or other documents he filed in any proceedings
28 concerning the property.

1 13. Rolla Gene Manning, III, knowingly and voluntarily agrees to waive the
2 statute of limitations, the CAFRA requirements, Fed. R. Crim. P. 7, 11, and 32.2, the
3 constitutional requirements, and the constitutional due process requirements of any
4 forfeiture proceedings concerning the property.

5 14. Rolla Gene Manning, III, knowingly and voluntarily agrees to waive his right
6 to a hearing on the forfeiture of the property.

7 15. Rolla Gene Manning, III, knowingly and voluntarily agrees to waive (a) all
8 constitutional, legal, and equitable defenses and claims to, (b) any constitutional or statutory
9 double jeopardy defenses and claims concerning, and (c) any defenses and claims under the
10 Eighth Amendment to the United States Constitution, including, but not limited to, any
11 claim or defense of excessive fines or cruel and unusual punishments in any proceedings
12 concerning the property.

13 16. Rolla Gene Manning, III, knowingly and voluntarily agrees to the entry of an
14 Order of Forfeiture of the property to the United States.

15 17. Rolla Gene Manning, III, knowingly and voluntarily agrees to the conditions
16 set forth in this Stipulation for Entry of Order of Forfeiture as to Rolla Gene Manning, III,
17 and Order (Stipulation).

18 18. Rolla Gene Manning, III, knowingly and voluntarily agrees to hold harmless
19 the United States, the United States Department of Justice, the United States Attorney's
20 Office for the District of Nevada, the United States Department of Homeland Security, the
21 United States Bureau of Alcohol, Tobacco, Firearms and Explosives, their agencies, their
22 agents, and their employees from any claim made by him or any third party arising from
23 the facts and circumstances of this case.

24 19. Rolla Gene Manning, III, knowingly and voluntarily releases and forever
25 discharges the United States, the United States Department of Justice, the United States
26 Attorney's Office for the District of Nevada, the United States Department of Homeland
27 Security, the United States Bureau of Alcohol, Tobacco, Firearms and Explosives, their
28 agencies, their agents, and their employees from any and all claims, rights, or causes of

1 action of any kind that Rolla Gene Manning, III, now has or may hereafter have on account
2 of, or in any way growing out of, the seizures and the forfeitures of the property in the civil
3 administrative forfeitures, the civil judicial forfeitures, and the criminal forfeitures.

4 20. Except as expressly stated in the Stipulation, no party, officer, agent,
5 employee, representative, or attorney has made any statement or representation to any
6 other party, person, or entity regarding any fact relied upon in entering into the Stipulation,
7 and no party, officer, agent, employee, representative, or attorney relies on such statement
8 or representation in executing the Stipulation.

9 21. After the property is forfeited in the criminal case, the Final Order of
10 Forfeiture is entered, the United States District Court has signed the Stipulation concerning
11 the property, and the United States has no outstanding evidentiary needs concerning the
12 property, within a practicable time thereafter for the United States, the United States
13 knowingly and voluntarily agrees to transfer the Ruger model LC9 9mm semi-automatic
14 pistol bearing serial number 325-80311 to Rolla Gene Manning, III.

15 22. The persons signing the Stipulation warrant and represent that they have full
16 authority to execute the Stipulation and to bind the persons and/or entities, on whose
17 behalf they are signing, to the terms of the Stipulation.

18 23. This Stipulation shall be construed and interpreted according to federal
19 forfeiture law and federal common law. The jurisdiction and the venue for any dispute
20 related to, and/or arising from, this Stipulation is the unofficial Southern Division of the
21 United States District Court for the District of Nevada, located in Las Vegas, Nevada.

22 24. Each party acknowledges and warrants that its execution of the Stipulation is
23 free and is voluntary.

24 25. The Stipulation contains the entire agreement between the parties.

25 26. Each party shall bear his or its own attorneys' fees, expenses, interest, and
26 costs.

27 27. This Stipulation shall not be construed more strictly against one party than
28 against the other merely by virtue of the fact that it may have been prepared primarily by

1 counsel for one of the parties; it being recognized that both parties have contributed
2 substantially and materially to the preparation of this Stipulation.

3 IT IS HEREBY CERTIFIED, pursuant to 28 U.S.C. § 2465(a)(2), that there was
4 reasonable cause for the seizure and forfeiture of the property.

5
6 Dated: _____

Dated: _____

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8 ROLLA GENE MANNING, III
9 *Petitioner*

CHRISTOPHER CHIOU
Acting United States Attorney

10 JAMES BLUM

Digitally signed by JAMES
BLUM
Date: 2021.08.20 09:55:09
-07'00'

11 JAMES A. BLUM
12 Assistant United States Attorney

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14 IT IS SO ORDERED:

15 Dated this ____ day of August, 2021.

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18 Gloria M. Navarro, District Judge
19 United States District Court
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1 counsel for one of the parties; it being recognized that both parties have contributed
2 substantially and materially to the preparation of this Stipulation.

3 IT IS HEREBY CERTIFIED, pursuant to 28 U.S.C. § 2465(a)(2), that there was
4 reasonable cause for the seizure and forfeiture of the property.

5
6 Dated: 8-20-21

Dated: _____

7 
8 ROLLA GENE MANNING, III
9 *Petitioner*

CHRISTOPHER CHOU
Acting United States Attorney

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11 JAMES A. BLUM
12 Assistant United States Attorney

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14 IT IS SO ORDERED:

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17 GLORIA M. NAVARRO
18 UNITED STATES DISTRICT JUDGE

19 DATED: August 24, 2021
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